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13 RAMESH "SUNNY" BALWANI

14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN JOSE DIVISION

17 UNITED STATES OF AMERICA,
18
19 Plaintiff,
20
21 v.
22
23 RAMESH "SUNNY" BALWANI,
24
25 Defendant.

Case No. 18-CR-00258-EJD

**DECLARATION OF AMY WALSH RE:
DEFENDANT RAMESH BALWANI'S
MOTION TO EXCLUDE EVIDENCE
AND ARGUMENT THAT
PHARMACEUTICAL REPORTS
WERE ALTERED**

Judge: Honorable Edward J. Davila

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DECLARATION OF AMY WALSH

I, Amy Walsh, declare as follows:

1. I am counsel for defendant Ramesh “Sunny” Balwani, an attorney admitted to practice *pro hac vice* in the above-captioned matter, and a partner at the law firm of Orrick, Herrington & Sutcliffe LLP.

2. On February 17, 2022, counsel for Mr. Balwani and the government met and conferred regarding pretrial matters. The following people attended: Jeffrey Coopersmith, Amy Walsh, Molly McCafferty, as attorneys for Mr. Balwani; and Assistant United States Attorneys Jeffrey Schenk, Robert Leach, and John Bostic.

3. During that conference, I asked the government attorneys, among other things, whether the government intended to introduce evidence related to pharmaceutical report logos at Mr. Balwani’s trial. The government responded in the affirmative.

4. Attached as **Exhibit 1** is a copy of transcript excerpts from the trial of Mr. Balwani’s co-defendant Elizabeth Holmes.

5. Attached as **Exhibit 2** is a copy of an April 14, 2010, email from Elizabeth Holmes to Alex Jung (Jay Rosan and Sunny Balwani copied) attaching excerpts from GlaxoSmithKline’s Metabolic Study Report (“GSK report”), Theranos’ Angiogenesis Study Report resulting from its work with Pfizer (“Pfizer report”), and Theranos’ Assay Development Report resulting from its work with Schering-Plough (“Schering-Plough report”), and listed as Exhibit 291 on the government’s February 17, 2022 exhibit list.

6. Attached as **Exhibit 3** is a copy of an October 11, 2008, email from Elizabeth Holmes to Aidan Power and Craig Lipset (Marc Thibonnier copied) attaching the Pfizer report, listed as Exhibit 143 on the government’s February 17, 2022, exhibit list.

7. Attached as **Exhibit 4** is a copy of an email chain, including a December 3, 2009, email from Gary Frenzel to Constance Cullen, attaching the Schering-Plough report, listed as Exhibit 259 on the government’s February 17, 2022, exhibit list.

8. Attached as **Exhibit 5** is a copy of a report on Theranos Systems, Bates-stamped Balwani-1529 through Balwani-1532.

